April 9, 2025

<u>VIA ECF</u>

Hon. Ona T. Wang
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

RE: *Authors Guild v. OpenAI Inc.*, (No. 1:23-cv-08292-SHS); *Alter v. OpenAI Inc.*, (No. 1:23-cv-10211-SHS); *The New York Times Company v. Microsoft Corp.*, (No. 1: 23-cv-11195); *Daily News, LP v. Microsoft Corp.*, (No. 1:24-cv-3285); *The Center for Investigative Reporting, Inc. v. OpenAI, Inc.*, (No. 1:24-cv-04872); *The Intercept Media, Inc. v. OpenAI, Inc.* (No. 1:24-cv-01515); *Raw Story Media, Inc. et al. v. OpenAI, Inc., et al.,* (No. 1:24−01514); *Tremblay et al. v. OpenAI, Inc. et al*, (No. 3:23−03223); *Silverman, et al v. OpenAI, Inc. et al,* (No. 3:23−03416); *Chabon et al v. OpenAI, Inc. et al,* (No. 3:23−04625); *Millette v. OpenAI, Inc., et al.*, (No. 5:24−04710)

Dear Judge Wang:

    We write on behalf of Plaintiffs in the above-captioned actions that are the subject of the Judicial Panel on Multidistrict Litigation's recent Order. *See In re: OpenAI Copyright Infringement Litigation*, MDL No. 3143, Dkt. 85 (Apr. 3, 2025).[1]

    In order to promote the "just and efficient conduct of this litigation," *id.* at 1-2, as well as "to coordinate discovery [and] streamline pretrial proceedings," *id.* at 3, Plaintiffs' counsel have conferred and propose that the Court set the close of fact discovery in any not-stayed matter for **July 31, 2025**.[2] Given the extensive discovery which has occurred across these cases already, Plaintiffs are confident that discovery can be completed by that date while avoiding undue delay.

    Further, in light of this Court's recent order adjourning the conference set for April 10, 2025, and "[i]n the interests of judicial economy, and coordinating the twelve actions now pending," *see* Dkt. 398 at 2, No. 1:23-cv-8292, Plaintiffs respectfully request a status conference at the Court's earliest convenience to address scheduling and coordination of these matters.

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[1] *Basbanes, et al. v. Microsoft Corporation, et al.* (No. 1:24−00084), which was also subject to the MDL order, remains stayed pending "a ruling on class certification in the consolidated class action litigation [Nos. 1:23-cv-8292; 1:23-cv-10211]." Dkt. 213, No. 1:23-cv-8292.

[2] The *Millette* Plaintiffs respectfully request that they be permitted access to discovery, pleadings, and depositions but that otherwise their case be stayed pending class certification and/or summary judgment in the other class actions subject to the JPML's order. Plaintiffs for the other above-captioned matters subject to the JPML's order do not oppose this request.

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Respectfully Submitted,

/s/Justin A. Nelson   _/s/Rachel Geman__   _/s/Scott Sholder__

Interim class counsel in *Authors Guild v. OpenAI Inc.*, (No. 1:23-cv-08292-SHS); *Alter v. OpenAI Inc.*, (No. 1:23-cv-10211-SHS)

_/s/Ian Crosby___

Plaintiff's counsel in *The New York Times Company v. Microsoft Corp.*, (No. 1: 23-cv-11195)

/s/Steven Lieberman

Plaintiffs' counsel in *The New York Times Company v. Microsoft Corp.*, (No. 1: 23-cv-11195); *Daily News, LP v. Microsoft Corp.*, (No. 1:24-cv-3285)

/s/Matthew Topic

Plaintiffs' counsel in *The Center for Investigative Reporting, Inc. v. OpenAI, Inc.*, (No. 1:24-cv-04872); *The Intercept Media, Inc. v. OpenAI, Inc.* (No. 1:24-cv-01515); *Raw Story Media, Inc. et al. v. OpenAI, Inc., et al.,* (No. 1:24−01514)

/s/Joseph Saveri   /s/Bryan L. Clobes   /s/Maxwell V. Pritt

Interim class counsel in *Tremblay et al. v. OpenAI, Inc. et al*, (No. 3:23−03223); *Silverman, et al v. OpenAI, Inc. et al,* (No. 3:23−03416); *Chabon et al v. OpenAI, Inc. et al,* (No. 3:23−04625) (consolidated as *In re OpenAI ChatGPT Litig.*, No. 3:23-cv-03223 (N.D. Cal.))

/s/Julian Diamond

Plaintiffs' counsel in *Millette v. OpenAI, Inc., et al.*, (No. 5:24−04710)